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8 Attorneys for Plaintiff  
9 FRANKLIN LIBENSON

10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 FRANKLIN LIBENSON,

14 Plaintiff,

15 v.

16 FCA US, LLC; and DOES 1 through 10,  
17 inclusive

18 Defendants.  
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Case No. 8:23-cv-00543-DOC-KES

**Request for Entry of Judgment  
Pursuant to FRCP 68(a)**

[Complaint Filed: March 24, 2023]

**TO THE HONORABLE COURT AND ALL PARTIES AND THEIR  
ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** Plaintiff FRANKLIN LIBENSON accepted Defendant FCA US, LLC's Offer of Judgment Pursuant to Fed. R. Civ. P. 68 on April 3, 2023, which is attached hereto as **Exhibit 1**. Plaintiff hereby applies for the entry of judgment thereon pursuant to the terms of the Rule 68 attached herein.

Dated: April 3, 2023

STRATEGIC LEGAL PRACTICES, APC

*/s/ Tionna Dolin*

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TIONNA DOLIN  
Attorney for Plaintiff

# **EXHIBIT 1**

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Attorneys for Defendant  
FCA US LLC

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

FRANKLIN LIBENSON,  
  
Plaintiff,  
  
vs.  
  
FCA US, LLC; and DOES 1 through  
10, inclusive  
  
Defendants.

Case No. 8:23-cv-00543

**DEFENDANT FCA US LLC'S  
OFFER OF JUDGMENT  
PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE 68**

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

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275 Battery Street, Suite 2000  
San Francisco, CA 94111

**TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that pursuant to the provisions of Rule 68 of the Federal Rules of Civil Procedure, Defendant FCA US LLC (“FCA”), on behalf of itself, hereby offers:

1. Plaintiff FRANKLIN LIBENSON (“Plaintiff”) will surrender the 2017 Chrysler Pacifica, VIN 2C4RC1EG3HR528577 (“Subject Vehicle”) by delivering the Subject Vehicle to FCA on a date, time, and place mutually agreeable no later than 60 days after FCA’s counsel receives all documents necessary to process the settlement and surrender, unless circumstances caused by Plaintiff results in delay. Plaintiff will file a dismissal with prejudice as to the entire action against all defendants within three (3) days after satisfaction of funding.

2. Without admitting liability, FCA will pay Plaintiff **\$147,000.00** for the Subject Vehicle, inclusive of any and all loan payoff amounts, civil penalties and any incidental/consequential damages, and any and all liability claimed in this action subject to proof. FCA will satisfy such funding obligations within 60 days after FCA’s counsel receives all documents necessary to process the settlement and surrender, unless circumstances caused by Plaintiff results in delay.

3. If the parties are unable to resolve attorney’s fees and costs, Plaintiff may seek reasonable costs, expenses and attorneys’ fees pursuant to a properly noticed motion pursuant to Cal. Civil Code § 1794(d). If a motion is needed, this shall not be construed as a waiver of FCA’s rights to assert arguments in opposition thereto based on the reasonableness of the fees, costs or expenses sought.

4. FCA will waive all claims it may have for costs and fees in this action.

5. Failure to accept this Offer of Judgment will result in FCA claiming all benefits accruing to it under Rule 68 of the Federal Rules of Civil Procedure should Plaintiff not achieve a more favorable result at the trial of this action.

6. This Offer of Judgment is made for the purposes specified in Fed. R. Civ. P. 68, and will be deemed withdrawn unless written notice of acceptance of this offer is made in the applicable time period set forth by law (within fourteen (14) days of the date that it was served). Plaintiff's acceptance of FCA's Offer of Judgment must be made in writing, and may be indicated by the signature of Plaintiff's counsel below.

Dated: March 27, 2023 GORDON REES SCULLY MANSUKHANI, LLP

/s/ Hailey M. Rogerson  
Spencer P. Hugret  
Hailey M. Rogerson  
Greg Gruzman  
Ali Azemoun  
Attorneys for Defendant  
FCA US LLC

I hereby accept the above offer on the terms stated on behalf of Plaintiff.

DATED: April 4, 2023

STRATEGIC LEGAL PRACTICES, APC

By: 

Tionna Dolin  
Attorneys for Plaintiff  
FRANKLIN LIBENSON

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

**CERTIFICATE OF SERVICE**

*Franklin Libenson v. FCA US LLC, et al.*

USDC Central District of California Court Case No. 8:23-cv-00543

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP, 275 Battery Street, Suite 2000, San Francisco, CA 94111. On the date below, I served the within documents:

**DEFENDANT FCA US LLC'S OFFER OF JUDGMENT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 68**

- ☒ by transmitting VIA ELECTRONIC MAIL the document(s) listed above to the email address(es) set forth below on this date before 5:00 p.m. (*Per agreement of the parties.*)
- ☐ by having Nationwide PERSONALLY DELIVER the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Francisco, addressed as set forth below.

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*Attorney for Plaintiffs*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 27, 2023 at San Francisco, California.

  
Priscilla Castro